

C/cont.
a left rigid handle pivotally connected to said left upright and positioned for grasping by a user positioned on said endless belt with said tread base in said first position;
a right rigid handle pivotally connected to said right upright and positioned for grasping by a user positioned on said endless belt with said tread base in said first position; and
fixed handle structure connected to said support structure configured for grasping by a user positioned on said endless belt with said tread base in said first position.

REMARKS

Applicants here seek entry of the above amendments which upon entry will avoid the rejection of record and place the case in condition for immediate allowance. MPEP § 714.12.

Upon entry of this amendment, claims 1-3, 5-13 and 15-22 will be in the case. Claims 1-3, 5-13 and 15-21 are all allowed. Claim 22 is amended to include limitations substantially similar to those now found in claim 1 as amended and as allowed.

Specifically, claim 22 stands rejected under 35 U.S.C. § 103 over Dalebout '396, the Crosswalk brochure and the patent to Day. Applicants disagree with the rejection. There is no art of record that shows a treadmill of the type claimed with movable/pivotable handles as defined. However, Applicants have nonetheless amended claim 22 to define a tread base having mass that is displaced above or below the axis of rotation to stably retain the structure in the desired second position as defined in proposed claim 22 as amended. In turn, claim 22 as amended should be allowable for the same reasons as claim 1 as now amended was earlier deemed allowable.

Applicants have also proposed other amendments to claim 22 to better state the claim.

Applicants further seek to enter amendments to the specification, abstract and drawings to place the case in better form for allowance. That is, numerous minor spelling, numbering and grammatical errors are proposed to present the specification in a better and preferred form. No new matter is submitted.

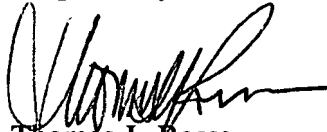
Applicants also seek to make additional minor numbering corrections to the FIGS. 2, 3, 4, 6, 8, 9, 11 and 15. Copies of the as-filed drawings with the corrections shown in red are attached for review and approval.

Applicants seek entry of this Amendment because it places this application in condition for immediate allowance and because Applicants are now responding for the first time to a new ground of rejection for claim 22. Claim 22 was first submitted by amendment and had never been examined or rejected. Therefore, it is also proper to enter the amendments to place the claim in better form for further examination or appeal.

If there are any further issues, Applicants request a telephone interview with the undersigned counsel at (801) 532-1922 to expedite resolution.

If any fees are required in connection with this Amendment, they may be charged to Deposit Account 20-1469. However, no new fees are believed to be due.

Respectfully submitted,



Thomas J. Rossa

Registration No. 26,799

Attorney for Applicants

TRASK, BRITT & ROSSA

P. O. Box 2550

Salt Lake City, Utah 84110-2550

Telephone: (801) 532-1922

TJR/jml

Date: February 18, 1997

Enclosures: FIGS 2, 3, 4, 6, 8, 9, 11 and 15 marked in red

N:\1442\2727\116-AMD.WPD 02/18/97